

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

JAMES JOSEPH AHEARN,

Plaintiff,

v.

Case No: 2:19-cv-397-JLB-NPM

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER**

Defendant, the Commissioner of Social Security (“Commissioner”) has filed an Unopposed Motion for Entry of Judgment with Remand. (Doc. 32.) The Commissioner requests remand under sentence four of 42 U.S.C. § 405(g) for the following reasons: “On remand, the agency will assign a different administrative law judge (ALJ), provide Plaintiff with the opportunity for a hearing before the newly assigned ALJ to further evaluate Plaintiff’s claims, and issue a new decision.” (*Id.* at 1.) The Commissioner also advises that Plaintiff’s counsel does not object to the remand. (*Id.*)


Pursuant to sentence four of section 405(g), the Court has the “power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” When a case is remanded under sentence four of section 405(g), the district court’s jurisdiction over the plaintiff’s case is terminated. Jackson v. Chater, 99 F.3d 1086, 1095 (11th Cir. 1996) (citing

Shalala v. Schaefer, 509 U.S. 292, 299 (1993)). “Immediate entry of judgment (as opposed to entry of judgment after post remand agency proceedings have been completed and their results filed with the court) is in fact the principal feature that distinguishes a sentence-four remand from a sentence-six remand.” Shalala, 509 U.S. at 297. A remand under sentence four of section 405(g) “is based upon a determination that the Commissioner erred in some respect in reaching the decision to deny benefits.” Jackson, 99 F.3d at 1095. Here, the Commissioner concedes error by requesting a reversal of the Commissioner’s decision.

Accordingly, it is **ORDERED**:

1. The Commissioner’s Unopposed Motion for Entry of Judgment with Remand (Doc. 32) is **GRANTED**.
2. The Commissioner’s decision denying benefits is **REVERSED**, and this case is **REMANDED** under sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the motion. (Doc. 32 at 1.)
3. If Plaintiff prevails in this case on remand, Plaintiff is **DIRECTED** to comply with the November 14, 2012 order (Doc. 1) in Miscellaneous Case No. 6:12-mc-124-Orl-22.
4. The Clerk is **DIRECTED** to enter judgment accordingly and close the file.

**ORDERED** at Fort Myers, Florida, on May 25, 2021.

  
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**JOHN L. BADALAMENTI**  
UNITED STATES DISTRICT JUDGE